



State of New Mexico

Susana Martinez

Governor

February 12, 2013

Sally Malavé
Assistant Attorney General
P.O. Drawer 1508
Santa Fe, NM 87504-1508

Re: Inspection of Public Records Act Complaint-Mr. Joey Peters

Dear Ms. Malavé,

As our Office has already informed both you and Mr. Peters, we have produced all responsive documents for his request of, "All emails sent from and received by keithgardner@susanapac.com, sdarnell@susanapac.com, rmkcang@yahoo.com, gardners90@yahoo.com and Gov. Susana Martinez' Susana PAC email address from the following dates: August 17, 2011; May 2, 2012; and June 13, 2012."

Our Office has also already informed you that, "The Office of the Governor did not withhold or deny any responsive public documents held by our Office under any privilege or statutory exception."

We understand that Mr. Peters has expressed concern that he did not receive a specific email from Larry Behrens that was forwarded to an account at susana2010.com by Secretary Skandera.

Mr. Peters did not ask for the e-mail exchange involving Mr. Behrens in his request to the Governor's Office. However, had our Office been made aware that Mr. Peters was looking for that specific exchange, our Office would have appropriately forwarded the request to the Public Education Department and it would have produced the responsive e-mail, as it has produced that specific email in response to other requests by media outlets.

As your office has been made keenly aware on several occasions, emails to the susana2010.com account were illegally intercepted and illegally distributed. The United States Attorney for New Mexico stated in a letter dated September 24, 2012 that his office and the FBI were actively investigating the matter, an article about which was published on the front-page of the Albuquerque Journal on October 21, 2012. Neither our Office nor individual staff members could receive e-mails that were illegally intercepted, including that particular email sent to the governor's susana2010.com address.

Sincerely,

A handwritten signature in cursive script that reads "Matthew J. Stackpole".

Matthew J. Stackpole, Esq.
Deputy General Counsel